

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

Dr. LESLIE HANNAH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14 - CV - 74 - KEW
)	
NORTHEASTERN STATE UNIVERSITY,)	
Dr. BRIAN COWLISHAW,)	
Dr. DONNA SHELTON,)	
Dr. D. AUDELL SHELBURNE,)	
Dr. PHILLIP BRIDGMON,)	
Dr. STEVE TURNER, and)	
Dr. WILLIAM RUGG,)	
)	
Defendants.)	

**ANSWER OF DEFENDANTS COWLISHAW, SHELTON, SHELBURNE,
BRIDGMON, AND TURNER TO PLAINTIFF'S PETITION**

TO THE HONORABLE KIMBERLY E. WEST:

Defendants, Bridgmon, Cowlishaw, Shelburne, Shelton and Turner submit the following Answer to Plaintiff's Petition:

I.

Defendants' Answer to Plaintiff's Petition

Defendants deny all the facts and conclusions of law contained in Plaintiff's Petition unless specifically admitted herein. F.R.C.P. Rule 8(b).

A. Plaintiff's Petition-Parties-Jurisdiction-Venue

1. Defendants admit Hannah lives in northeastern Oklahoma.

2. Defendants admit NSU is one of several universities governed by the Regional University of Oklahoma Board.
3. Defendants admit Dr. Cowlshaw is a professor at NSU.
4. Defendants admit Dr. Shelton is a professor at NSU.
5. Defendants admit Dr. Shelburne is a professor at NSU.
6. Defendants admit Dr. Bridgmon is a Dean at NSU.
7. Defendants admit Dr. Turner is the President at NSU.
8. Defendants admit Dr. Rugg was the Vice President at NSU.
9. Defendants admit the Eastern District of Oklahoma is the proper venue.
10. Defendants deny Plaintiff has been damaged.

B. Plaintiff's Petition-Statement of Facts Relevant to Claims

12. Defendants admit Hannah was appointed to the Associate Professor of English in the Department of Language and Literature at NSU effective January 13, 2009.
- 13-16. Defendants deny the allegations of fact and conclusions of law contained in this paragraph.
17. Defendants admit Hannah was granted three years toward the total probationary five years of employment in a tenure-track position but deny the remaining allegations of fact and conclusions of law contained in this paragraph.

18-24. Defendants deny the allegations of fact and conclusions of law contained in this paragraph.

25. Defendants admit Hannah submitted his resignation as Director of Cherokee Programs but deny the remaining allegations of fact and conclusions of law in this paragraph.

26-35. Defendants deny the allegations of fact and conclusions of law contained in this paragraph.

C. Plaintiff's Petition-Count I: Violation of Title 42 U.S.C.A. § 1981

36-39. Defendants deny the allegations, conclusions, and claims in these paragraphs.

D. Plaintiff's Petition-Count II-Mental and Emotional Distress

40-43. Defendants deny the allegations, conclusions and claims in these paragraphs.

E. Plaintiff's Petition-Count III-Oklahoma Constitutional Violation

44-45. Defendants deny the allegations, conclusions and claims in these paragraphs.

F. Plaintiff's Petition-Count IV-Tortious Interference with Contract

46. Defendants deny the allegations, conclusions and claims in these paragraphs.

G. Plaintiff's Petition-Count V-Breach of Contract

47-50. Defendants deny the allegations, conclusions and claims in these paragraphs.

H. Plaintiff's Petition-Prayer for Relief

Defendants deny Plaintiff is entitled to any relief.

II.

Defendant's Affirmative Defenses

Defendants deny they discriminated or retaliated against Hannah. Defendants deny they negligently or intentionally injured Hannah. Defendants assert any actions taken in connection with Hannah were free of discriminatory intent and would have been taken regardless of any discriminatory intent. Defendants assert no challenged action or practice of which Hannah complains was caused by or resulted from illegal discrimination and that all such actions were job related and reasonably related to university operations. Defendants assert NSU had in place policies and procedures prohibiting discrimination and retaliation and each took prompt remedial response to complaints of discrimination or retaliation. Defendants deny they are subject to vicarious liability.

Defendants acted at all times in good faith with respect to Hannah and with the consent of Hannah. Defendants assert their qualified immunity and Eleventh Amendment immunity. *Edelman v. Jordan*, 94 S.Ct. 1347, 1355-56 (1974); *Alden v. Maine*, 119 S.Ct. 2240, 2254 (1999); *Puerto Rico Aqueduct and Sewer Authority v. Metcalf & Eddy, Inc.*, 113 S.Ct. 684, 687-88 (1993); *Welch v. Texas Department of Highways and Public Transp.*, 107 S.Ct. 2941, 2946 (1987); *Pennhurst State School & Hosp. v. Halderman*, 104 S.Ct. 900, 907 (1984). Defendants assert they are entitled to sovereign immunity. Okla. Stat. tit 51 § 152.1; *Fehring v. State Insurance Fund*, 19 P.3d 276, 283 Okl. 2001); *Tanique, Inc. v. State ex rel. Oklahoma Bureau of Narcotics and Dangerous Drugs* 99 P.3d 1209, 1213 -1214 (Okla. Civ. App. Div. 2, 2004).

Defendants assert Hannah failed to mitigate his damages and they are entitled to all statutory damage limitations including exemplary damage limitations. Defendants deny Hannah is entitled to any damages including compensatory damages, punitive damages, equitable relief, costs, interests or attorney fees.

III.

Defendants' Jury Demand

Defendants requests a jury trial.

IV.

Conclusion

Defendants assert this case should be dismissed, Plaintiff take nothing as to all elements, and Defendants be awarded fees and costs and such other relief as it is justly entitled.

Respectfully submitted,

s/Susan Werner

SUSAN WERNER, OBA #9482

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Attorney for Defendants, Bridgmon,

Cowlshaw, Shelburne, Shelton and Turner

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2014 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Susan Werner

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